Cases pending in subordinate courts

456. SHRIMATI VANGA GEETHA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that there are about 2.4 crore cases pending in subordinate courts of the country;

(b) whether it is also a fact that prisoner population in country's jails has been increasing due to delay in disposal of cases in courts; and

(c) the major steps being taken by Government for early disposal of cases lying before courts?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY) Yes Sir. As on 31.12.1998, about 2.02 crore cases were pending in subordinate courts of the country.

(b) The prisoners in jails constitute both the undertrial and the convicted. The influx of prisoners into jails is due to various factors, *inter-alia*, crime level in the country, terms of imprisonment, speed of disposal of cases by courts etc.

(c) Various steps have been taken in this regard for the speedy disposal of both civil and criminal cases. These include amendment to the Civil Procedure Code and the Code of Criminal Procedure, increase in the number of posts of Judges/Judicial Officers and filling up of all vacant posts, establishment of Special Courts/Tribunals, improvement in the standard of legal education, appointment of Special Judicial/ Metropolitan Magistrate and adoption of alternative modes of dispute resolution, such as arbitration, and conciliation. Lok Adalats have been given a staturoy base as supplementary forum for resolution of disputes. Efforts are also being made to secure more funds for setting up of more courts, improvement in the infrastrucre of all courts including the District courts and courts subordinate thereto and increasing use of information technology in courts.

In addition to the above, the Government has sanctioned an amount of Rs. 502.90 crore for creation of 1734 additional courts for expeditious disposal of sessions and other criminal and important civil cases in the subordinate courts.

Procedural changes regarding deaths or torture in Police custody

457. SHRI KRISHNA KUMAR BIRLA: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether it is a fact that in the event of death or torture of a suspect in police custody, generally, the SHO and the police station involved in the case is entrusted with the investigation;

(b) if so, whether Government feel that such a procedure fails to bring out the truth and the system requires a change providing investigation into such cases by an independent agency; and

(c) if so, what procedural changes in this regard are contemplated by Government?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) to (c) According to Section 176 of the Code of Criminal Procedure, the nearest magistrate empowered to hold inquests shall hold an enquiry when a person dies while in the custody of the Police. Further, the Government is contemplating providing for mandatory judicial enquiry in case of death or disappearance or rape of a woman while in custody of the Police and in case of death, examination of the body within 24 hours of death.

Cases pending in trial courts

458. SHRI YADLAPATI VENKAT RAO: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of cases pending in trial courts; and

(b) whether Government propose to appoint retired judges in these courts to reduce the backlog causing problem for the litigants?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI ARUN JAITLEY): (a) As on 31.12.1998, about 1.34 crore criminal cases were pending in magisterial and sessions courts in the country.

(b) It is the primary responsibility of the State Government to appoint judges in trial courts in consultation with the concerned High Court. Central Government has sanctioned an amount of Rs.502.90 crore for creation of 1734 Fast Track additional courts in the Country for disposal of long pending sessions cases and other criminal/civil cases. *Adhoc* judges, including retired judges, will be appointed for these additional courts.

Payment of HRA dues by Ports

459. SHRI ANANTA SETHI: Will the Minister of SHIPPING be pleased to state: